

THE REAL ESTATE COUNCIL OF ALBERTA

Case Number: 012020
Name on Licence: Darshan Sidhu
Licence Type & Class: Real Estate Associate
Brokerage Name on Licence: 4 Million.ca Inc. O/A Estateview
Process: Section 39 & 83 of the *Real Estate Act*

Document: ADMINISTRATIVE PENALTY
Penalty: \$1,500.00

Payment

This Penalty must be paid **within 30 days** of the date this Notice was issued.

If you fail to pay the Penalty the Registrar may commence collection under Part 6 of the *Real Estate Act* and may suspend your licence under section 38.1 of the Rules.

If you pay the Penalty

- You will have satisfied the Administrative Penalty and no further proceedings under Part 6 will be taken against you.
- You cannot be charged under the *Real Estate Act* with an offence for the contravention(s) in this Administrative Penalty.

TO: Darshan Sidhu

The Registrar of the Real Estate Council of Alberta (RECA) has determined there is sufficient evidence you have contravened **section 41(b) of the *Real Estate Act* Rules** and this is conduct deserving of sanction.

Rule 41 – *Licensees must:*

(b) provide competent service

Particulars of the contravention(s):

1. In or around April 2021, you failed to provide competent service, contrary to section 41(b) of the *Real Estate Act* Rules:
 - a) In April of 2021 you represented the sellers of a property located at [ADDRESS] (Property)

- b) When measuring the property for the listing you failed to measure the second level of the property and only relied on measurements taken of the main level. This led to an error of overstating the above grade size.
- c) You advertised this property as 1,244 sqft. The above grade size of the property was approximately 1,168 sqft. This was a difference of 76 sqft.

The RMS guidelines were created to offer a consistent means of representing the above grade size of a property, thereby allowing interested parties to accurately compare properties. Competent real estate industry professionals, when representing the size of a residential property, must measure the property using RMS or engage a third party to measure the property using RMS.

The Registrar considered the following aggravating and mitigating factors:

Aggravating Factors

- The failure to accurately measure the property led to a significant measurement error that led to a misrepresentation in the listing

Mitigating Factors

- You have admitted to this conduct

Appeal

You have the right to appeal this Administrative Penalty to a Hearing Panel. See **section 83.1 of the *Real Estate Act*** for what you must do to appeal.

In an appeal you will be given a full opportunity consistent with procedural fairness and natural justice to present evidence before the Hearing Panel in relation to the contraventions alleged.

Your written notice of appeal must comply with section 83.1 and must be received by the Registrar **within 30 days** of you receiving this Administrative Penalty.

If you appeal, payment of the Penalty will not be required until an order to pay a penalty is issued by the Hearing Panel. If you have any questions regarding particulars or the appeal process, please contact:

Name: [B.T], Investigator
Email: [EMAIL]
Phone: 403.228.2954; Toll Free: 1.888.425.2754
Fax: 403.228.3065
Address: Real Estate Council of Alberta
Suite 202, 1506 11 Avenue SW
Calgary, Alberta, T3C 0M9

Issued at Calgary, Alberta, on August 4, 2022.

"SIGNATURE"

Charles Stevenson, Registrar
Real Estate Council of Alberta

cc: [R.G], Real Estate Broker
Estateview